

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Patent Application of:  
Scott Alan Jelinsky et al.

Application No.: 10/511,064

Filed: April 20, 2005

For: ESTROGEN RECEPTOR ALPHA  
REGULATED GENE EXPRESSION  
RELATED ASSAYS AND THERAPEUTICS

---

Confirmation No.: 8561

Art Unit: 1639

Examiner: J. S. Lundgren

**PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.48(A)**

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a petition pursuant to 37 C.F.R. § 1.48(a) to correct inventorship of the above identified patent application. As originally filed, the above-identified application names as inventors:

1. Scott Alan Jelinsky
2. Heather Anne Harris
3. Eugene Lee Brown
4. Mark James Evans

The present petition seeks to add as an inventor:

5. Donald Edward Frail.

This petition is supported by the accompanying:

(a) Declaration of Donald Edward Frail in which the declarant avers that the error in inventorship in the above-identified application occurred through error and without deceptive intention on his part (Exhibit A);

(b) Declaration and Power of Attorney executed by all the inventors (Scott Alan Jelinsky , Heather Anne Harris, Eugene Lee Brown, Mark James Evans, and Donald Edward Frail) (Exhibit B);

(c) Consent of Assignee WYETH (Exhibit C); and

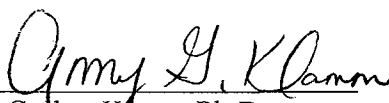
(d) Assignment from Donald Edward Frail to WYETH (Exhibit D), which shall be separately recorded with the Assignment Branch upon grant of this Petition.

The required petition fee of \$130.00 as specified in 37 C.F.R. § 1.17(i) is enclosed.

In consideration of the foregoing it is respectfully requested that the Patent and Trademark Office amend the inventorship of this application by adding the name Donald Edward Frail as a co-inventor.

Dated: December 12, 2007

Respectfully submitted,

By 

Amy Gallup Klann, Ph.D.

Registration No.: 48,155

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorney For Applicant(s)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Patent Application of:  
Scott Alan Jelinsky et al.

Application No.: 10/511,064

Filed: April 20, 2005

For: ESTROGEN RECEPTOR ALPHA  
REGULATED GENE EXPRESSION  
RELATED ASSAYS AND THERAPEUTICS

---

Confirmation No.: 8561

Art Unit: 1639

Examiner: J. S. Lundgren

**DECLARATION OF DONALD EDWARD FRAIL IN SUPPORT OF**  
**PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(A)**

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Donald Edward Frail, of 17738 Hornbean Drive, Wildwood, MO 63005, declare and state that:

1. The accompanying Petition to Correct Inventorship seeks to add me as an inventor.
2. The error in inventorship in the above-identified application occurred without deceptive intention on my part.

It is further declared that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by

Application No.: 10/511,064

2

Docket No.: 00630/0204187-US0

fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such  
willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 12/05/2007

Donald E. Frail  
Donald Edward Frail

**CONSENT OF ASSIGNEE IN SUPPORT OF**  
**PETITION PURSUANT TO 37 C.F.R. § 1.48(A)**

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, William T. King, hereby declare and state as follows:

I am Assistant Secretary of WYETH, organized under the laws of Delaware, located at Five Giralda Farms, Madison, New Jersey 07940, the assignee of this application. I am an official empowered to act on behalf of WYETH, and make these statements in that capacity.

WYETH, is the assignee of all right, title and interest in and to this application by virtue of an assignment from the original named inventors: Scott Alan Jelinsky, Heather Anne Harris, Eugene Lee Brown, and Mark James Evans to WYETH. The assignment from the originally named inventors is recorded in the U.S. Patent and Trademark Office at Reel 016117, Frame 0019.

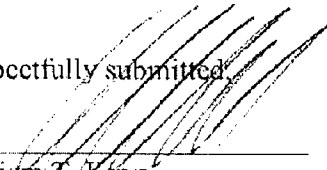
I understand that a Petition is being filed in the U.S. Patent and Trademark Office to amend the inventorship of this application. I understand, in particular, that the Petition seeks to add the name of Donald Edward Frail as a co-inventor of this application. Donald Edward Frail is assigning all his rights, titles and interests in and to this application to WYETH.

I hereby give written consent, on behalf of the assignee, WYETH, for this change in the inventorship set forth for the application.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code,

and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully submitted,

  
\_\_\_\_\_  
William T. King  
Assistant Secretary  
WYETH  
Five Girulda Farms  
Madison, New Jersey 07940

Dated: 16 Dec 2007

## ASSIGNMENT

I, Donald Edward Frail, a citizen of the United States of America, residing at 17738 Hornbean Drive; Wildwood, Missouri 63005;

(hereinafter "ASSIGNOR") in consideration of the sum of Ten Dollars (\$10.00), or the equivalent thereof, and other good and valuable consideration, the sufficiency of which and receipt of which are hereby acknowledged, paid to ASSIGNOR by

### Wyeth

a Corporation organized under the laws of Delaware, located at Five Giralda Farms, Madison, New Jersey 07940 (hereinafter "ASSIGNEE"), do hereby sell and assign to said ASSIGNEE, its successors and assigns, the below indicated right, title, and interest, **throughout the world** in and to my Invention entitled:

### **ESTROGEN RECEPTOR ALPHA REGULATED GENE EXPRESSION RELATED ASSAYS AND THERAPEUTICS**

invented by me and described in Patent Application No. 10/511,064, filed on April 20, 2005, in the United States of America; and all patents, divisions, reissues, continuations and any extensions thereof and rights of priority therein, said interest being my entire ownership interest in the same, to be held and enjoyed by said ASSIGNEE, its successors, assigns, or other legal representatives, to the full end of the term thereof, as fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not been made;

And for the consideration aforesaid, I hereby covenant and agree to and with said ASSIGNEE, its successors and assigns, that whenever ASSIGNEE, its counsel or representative, or the counsel or representative of its successors or assigns, shall advise that an amendment to, or a division of, or any other proceeding or action in connection with an application concerning said Invention, including interference proceedings, is lawful and desirable, or that a reissue or continuation or extension of such application or patent issuing therefrom is lawful and desirable, I will sign all papers and drawings, take all rightful oaths and affidavits, and do all acts necessary or required to be done for the procurement of all lawful

Attorney Docket No.: 00630/0204187-US0

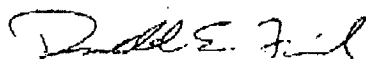
rights associated with the Invention, or for the reissue or continuation or extension of the same, will do all acts necessary or required to secure in said ASSIGNEE, its successors or assigns, the title to and full benefit of all rights hereby assigned, without charge to said ASSIGNEE or its successors or assigns, but at its or their expense; and I hereby appoint every present or future officer of said ASSIGNEE as my agent to sign all such papers and to do all such necessary acts on my behalf, to the fullest extent permitted by law;

And I hereby authorize and request the Commission of Patents and Trademarks and any other granting authority to issue any Letters Patent resulting from said Invention and application(s) concerning same to said ASSIGNEE.

This assignment shall have an effective date corresponding to the last date of execution.

I declare under penalty of perjury under the laws of the United States of America, and under penalty of the laws of any other jurisdiction before which this document may be presented, that I have signed this document as my own free act and that all of the foregoing is true and correct.

Dated: Dec 5, 2007

  
Donald Edward Frail, Inventor



**ACCEPTANCE BY ASSIGNEE**

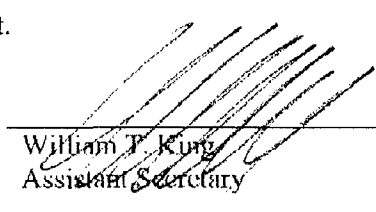
In connection with an assignment in any jurisdiction in which an acceptance by ASSIGNEE is required, I hereby accept this assignment on behalf of Wyeth. I declare under penalty of perjury under the laws of the United States of America, and under penalty of the laws of any other jurisdiction before which this document may be presented, that (check all that apply):

☒ I am an officer of the above-identified ASSIGNEE,

☐ I have signed this document on behalf of ASSIGNEE with the full authority of its board of directors,

and that all the foregoing is true and correct.

Dated: 7 Dec 2007

By:   
Name: William F. King  
Title: Assistant Secretary